

CIVIL RIGHTS IN NEW JERSEY

In presenting this brief report on the state of Civil Rights in New Jersey, it is with acknowledgment that the elements of time and circumstance have made it impossible to engage in even superficial fact-finding in the more obscure areas of discriminatory practice. Facts and proposals assembled here have been drawn from the long experience and observation in the New Jersey scene, by the writer. While not intending to present an optimum program of relief from many practices of racial discrimination, these proposals do represent what is considered by many to be a reasonably practical approach to those problems responsible for the more serious conditions which now exist in New Jersey.

Resume' of New Jersey Civil Rights Progress Prior to 1945, experience with the New Jersey Legislature could be considered among the more progressive, insofar as the aspirations of its Negro citizens were concerned. Repeated efforts by a succession of Negro Assemblymen to make effective a post-Reconstruction Civil Rights measure were fruitless. When in 1944 the first Fair Employment Bill was introduced, even the more optimistic supporters held little hope for its passage. Nevertheless, New Jersey adopted an FEP measure just one month after the first state law of its kind in the United States was adopted in the State of New York, and both states' enforcement agencies began operations on the same date - July 1, 1945. In addition to the skillful campaign waged for passage of the measure by progressive forces in the state, the measure had the backing of the Republican administration; was in competition with a similar measure presented by the Democratic minority; but, highly important as a psychological factor, was designed to place enforcement of the law in the Department of Education, which was not regarded as an enforcement agency of government, or as one whose enforcement procedures could be regarded as a threat to business and labor interests in the State. Nevertheless, in the earlier years of its existence, the New Jersey Division against Discrimination established a nationwide reputation for active pioneering in this difficult field, and its officials were called into consultation by citizens' groups and public officials in all parts of the country where similar legislation was being considered.

The significant part of the New Jersey enforcement experience, was the degree to which organized resistance to the passage of the law gradually subsided even in the early days of enforcement operations, while at the same time the Division was able to retain the confidence, respect and cooperation of voluntary agencies that were committed to a plan of vigorous administration of the law. This meant that the resistance to FEP legislation anticipated, and widespread conflict predicted by its opponents as the inevitable result of its passage, failed to appear ^{1/}. The New Jersey public accepted the logic and reasonableness of the legislative approach, and approved of the methods by which it was made to operate. The Civil Rights law in New Jersey now is being accepted as a necessary means to a desirable end, except in the comparatively few situations where personal prejudices intrude - the condition for which the law was made operative.

^{1/} See "Report on Eighteen State Anti-Discrimination Agencies" - American Jewish Congress, New York, Mimeo, November, 1959.

UNFINISHED BUSINESS

Sixteen years of operation of the law have given ample opportunity to determine its efficacy and the adequacy of its coverage. Also measurable has been the degree and kind of resistance to be expected in any given area where strengthening amendments are required. An attempt will be made in this paper to comment on these points in several areas where improvements is imperative.

Employment Discrimination Practices of total exclusion of minority group workers, widely prevalent before 1945, are fast disappearing. Employment discrimination is widely practiced, however, despite this improvement in the more obvious situations. Token placement of a hand-picked few; quota placement of limited percentages; promotional limitations within the work force; operation of job ceilings; and exclusion from the more desirable and lucrative occupations, are discriminatory practices to which minority group workers are presently exposed. Employers and labor unions who cynically pursue such courses of action, insist they are observing the law. Only recently has the Division on Civil Rights been given authority to initiate complaints in these less obvious areas to which prospective complainants are insensitive, but its budget and staff are such that the added scope of responsibility is meaningless in practical terms.

Banks and other institutions in the world of finance are probably the most flagrant violators of the ethic of fair employment and of the law against discrimination. The nature of traditional policies and of recruitment procedures makes it virtually impossible to secure complaints from aggrieved job-seekers, and voluntary steps to correct old practices are so few and so feeble that virtually no change is being made.

The highly selective control of apprenticeship training by the several craft unions has kept almost completely closed, the avenues which all minority youth must travel to gain admission to these crafts 1/. In a Report to the Fund for the Republic, Bromwich says: 2/

"Two important problems of democracy arise with regard to the apprenticeship program. One is that the rules are fixed with an eye to the maximum security of journeymen rather than to the skill requirements of a particular trade, and that this is often done while excluding the apprentice from the right to participate in the decision which so intimately affects his work. The other is that there is no method of quick appeal from an apprenticeship committee's decision. In some cases, the review has taken from one to five years and, even then, there is no neutral tribunals to hand down final judgment."

Bromwich continues:

"The apprenticeship rules become even more questionable when they are taken in conjunction with the other methods of membership regulation and exclusion. In these cases, racial, personal and political factors can work behind the regulations on apprenticeship."

1/ "The Negro Wage-Earner and Apprenticeship Training Programs", Report of NAACP Labor Dept., April, 1960.

2/ "Union Constitutions", A Report to the Fund for the Republic, Leo Bromwich, 1959

There is a third and even more important area in which job discrimination is being practiced in New Jersey - within State departments and institutions. Ostensibly, the practical checks and balances of political appointments and civil service selections are in operation, but the fact remains that minority group workers encounter on the one hand, subtle forms of discriminatory selections by appointing officials, and on the other, observe the continuing avoidance of positive action by so-called responsible state officials by which old patterns of exclusion might be eliminated, or at least improved. Among the many department, divisions and institutions of the state government in which little change is noted, could be mentioned the Department of Education, Department of Health, Department of Conservation, State Police, Teachers Colleges. State hospitals and detention institutions may show evidence of adequate or even disproportionate employment of minorities, but an examination of work assignments, promotional opportunities, higher levels of employment, and use of housing and other facilities, will disclose widespread and flagrant violations of ethical employment practices.

Proposed Alternatives The simplest and most direct method of disposing of such problems would be to suggest that they be referred to the Division on Civil Rights. If and when funds can provide staff and direction equal to such tasks, this might suffice. Another method, preliminary to such expectations would be the appointment of a Temporary Commission empowered by the Governor to study these several areas of concern, thoroughly and objectively, such reports forming the rationale for improving the tools with which the Division on Civil Rights may do its job, and at the same time creating a body of public opinion supporting the chief executive and/or the legislative body in achievement of this purpose.

Places of Public Accommodation As stated above, New Jersey's first Civil Rights law enacted in the post-Reconstruction era, purported to protect all citizens in their right to use of places of public accommodation. The Freeman amendment to the FEP law, adopted in 1949, was the first effective move designed actually to achieve this purpose 1/. With respect to restaurants, taverns, hotels, etc., violations are rare; commercially operated swimming pools, bowling alleys and skating rinks are among the more frequent violators who resort to mechanics of admission resembling private membership club operation. Barbershops and beauty-shops, specifically excluded from mention in the existing law, make no pretense of observing its non-discriminatory intent. Turkish baths and "health clubs", operating under private ownership for profit, and as a public service, are reported to be discriminatory in selection of their clientele. Some of these hide behind legal technicalities in supporting their practices; others, such as barbers and beauty operators have the tacit support of their unions, associations and official regulatory state Commissions.

Proposal An earlier attempt to have included in amendments to the Civil Rights law, a general clause broadening the definition of "places of public accommodation" failed to gain the approval of legislative committees. Efforts should be continued to have accepted an inclusive clause

1/ P 5 "Report on Eighteen State Anti-Discrimination Agencies" - American Jewish Congress, New York, mimeo report, November, 1959.

specifying "places providing goods, services, facilities and accommodations to the general public" and further providing in acceptable legal language that fixing of fees on a package or term or seasonal basis, per se, is no evidence that an operation is a "private" club in the real meaning of the term.

Education This is the most hackneyed term in use, where problems of prejudice and discrimination are under discussion. Yet, academic preparation which is the American concept of Education, has done and is doing little in purposeful manner to attack the problems. University training is in no way insurance against prejudice in American professions or businesses. Teachers and school administrators are no more free of racial, ethnic and religious bias than persons of other occupations. Adults charged with the responsibility of rearing children, teaching, guiding, influencing their hearts and minds, have been given few tools in the course of their own educational experience wherewith to immunize their charges against the terrible disease, Prejudice. In New Jersey, some of our most intolerant people can be found among teachers, administrators, and of course, Board of Education members, as in other occupations and interests.

In all of New Jersey, specific training in this area is being made available only through Rutgers University Workshops in Intergroup Relations. A maximum of 100 persons may be exposed for one week during the entire year, and no more than 10 more may hope to have as much as three weeks of such educational experience. In no one of the six Teachers Colleges is such emphasis in teaching given; in practically none of the many school systems in the state are in-service courses in group relations given for teachers and school administrators. Consequently, there is little sensitivity or understanding indicated when issues are presented involving use of pre-school childrens' literature of highly prejudicial nature; relating to humiliating plays, readings and exercises; concerning de-facto segregation in city schools and its many evil by-products ^{1/}. Ironically, Police Departments in the state of New Jersey have shown much greater concern with the need for such educational experience, than have the educators.

Human relations consultants within the State, are in position to give leadership or guidance for the establishment of in-service training programs for school systems and for the personnel of municipal, county and state departments and institutions. They also could be helpful to educators in organizing courses of study leading to the development of sensitivity, understanding and knowledge in this important field of study.

Migrant Workers In New Jersey as in the rest of the nation, this is the most under-privileged class of human beings in the state community. Nevertheless, due largely to work of the Consumers' League and church organizations, much progress has been made in providing minimal safeguards in our State. Consisting almost entirely of racial and ethnic minorities, these workers and their families are denied education, decent living standards, healthful recreation, adequate wages or the simplest recognition of their claim to human dignity. In turn, their habits and deportment reflect these deprivations. The points at which they touch the local New Jersey community, accordingly become the most highly sensitive and irritating points of intergroup tension in the state. These tensions are made to color all

^{1/} "School Segregation - Northern Style", Maslow and Cohen, Public Affairs Pamphlet No. 316, 1961

intergroup relations in the community, whether involving migrant laborers or permanent and responsible citizens who share with these transients nothing more than color of skin or place of origin. Efforts to improve the lot of the migratory worker, sufficiently compelling in themselves, also must have great meaning for improving the relationships of all the permanent residents of a community. We dare not be satisfied with the little that has been done.

The status of the State Commission on Migrant Labor should be reviewed critically, and the extent of its authority analyzed in the light of services and protections needed. Vast improvement of regulatory machinery should be provided, whether through amendments to the law, strengthening of the staff qualitatively, or increasing the budget.

Discrimination in Housing This represents the most pressing and significant problem of intergroup relations in the northern community today. The vast changes occurring in the American community through population shifts, urban renewal, decentralization of industry and of modern home-building trends, are taking on racial, cultural and religious overtones in every phase of change. The controlled market which prevails in housing is creating racial and ethnic cleavages to an extent never before existing, despite the prevalence of ethnic ghettos during the past century. The advantages for profit-taking inherent in the closed market, the contagious appeal of racial exclusiveness in the shaping of new suburban communities, the growing danger of insolvency in Central City which is being bequeathed to the socio-economic group least able to bear the burden of rehabilitation - all are contributing to the confusion which increasingly is characterising the American community. The complexity of forces which have been unleashed by selfishness, fear, misinformation and exploitation, cannot and will not be corrected by wishful thinking. Patterns are being fixed now that will persist for a century, if our civilization can survive that long and unless we are willing to take bold remedial steps now.

Currently there rests in the New Jersey Senate, a bill which would prohibit discrimination in the sale or rental of private housing, with certain specific and reasonable exceptions. This bill would broaden the area of regulation which at this time applies only to housing enjoying government subsidies. The one hope for correction of the housing evil is that housing shall become a commodity available on the open, competitive market, thus enabling all prospective purchasers to select and acquire housing on their own socio-economic level as a means of achieving normal and natural means of population distribution. Prohibiting the erection of unnatural racial dams is the first step toward eliminating the fear of spill-over and inundation by a particular racial element. Unrelenting efforts should be given to the passage of such legislation, despite the well-organized resistance of the real-estate profession and their financial supporters who enjoy inordinately high profits in the perpetuation of current practices.

As an inescapable part of opening the housing market to competitive purchase, is the need for rent control regulations to provide reasonable safeguards to both landlord and renter and as a check against the great amount of rank exploitation currently being practiced. The so-called middle income group, that income level just above the ceiling of eligibility for government, low-income housing, is being priced out of the normal market and is being required to pay ridiculously high "furnished room" rental rates for inadequate facilities, or to purchase homes at prices far above their income capabilities. Doubling up and high turnover rates exact a fierce toll of structures which soon add to rapidly increasing blight of

Central City. Many of the fears directed against minority groups who would purchase in middle class residential areas, have their genesis in examples of deterioration which accompany these exploitive practices; the fears being attached to the victimized racial minority, rather than to the exploiting representative of the racial majority.

Division of Civil Rights Placement of this Division in the Department of Education was well motivated, as mentioned above. Sixteen years of experience however, give ample demonstration that the Department of Education imparts neither the will nor the skill to law enforcement procedures demanded of this agency. The psychological purpose behind the original designation has been served; it now is time to join other states in the union in the process of more consistent, vigorous, efficient administration of a law whose reason for being is now accepted by the New Jersey community. There is no further reason for "sugar-coating" the pall that now is recognized to be necessary treatment. The New Jersey Constitution prohibits a clustering of divisions, commissions, etc. in the Executive Department as heretofore; each agency must be assigned to the functional, administrative department under a head having cabinet status. Experience dictates that the most logical department for this Division is in the Department of Law and Public Safety, such placement carrying with it the dignity and demand for respect to which the Division is entitled. Such placement need not interfere in any way with the process of conciliation and persuasion which has always, and should always, precede public hearing and any subsequent legal action taken against a respondent. If anything, the change would serve to accelerate the educational process and lead to more expeditious settlement of cases.

Whether or not ultimately the Division lies within the Department of Education or elsewhere, safeguards should be provided to assure the selection as director and principle staff supervisors, persons possessing unquestioned qualification in the intergroup relations field. Eminence in the profession of Education, or even Law, is no assurance that one possesses the sensitivity, the understanding, the skill or the conviction that are essential equipment for the truly effective administrator.

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